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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 In Re Affymetrix) Case No. C 06-5353 JW
20 Derivative Litigation)
21 _____)
22 This Document Relates To:) **STIPULATION AND [PROPOSED]**
ALL ACTIONS) **ORDER EXTENDING [Proposed]**
23 _____) **TIME FOR**
24 _____) **RESPONDING TO COMPLAINT**
25 _____)
26 _____)
27 _____)
28 _____)

1 **STIPULATION**

2 Whereas, on October 24, 2008, this Court granted in part and denied in part Defendants'
3 motion to dismiss the Verified Second Amended Consolidated Shareholder Derivative Complaint
4 (the "Second Amended Complaint") with leave to amend;

5 Whereas, the deadline to respond to the Second Amended Complaint was extended by
6 stipulation and order to December 3, 2008;

7 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject
8 to approval of the Court, that Nominal Defendant Affymetrix shall have until December 4, 2008, to
9 answer the Second Amended Complaint.

10 Dated: December 3, 2008

DAVIS POLK & WARDWELL

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19 Dated: December 3, 2008

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29 Dated: December 3, 2008

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1 ATTESTATION PURSUANT TO GENERAL ORDER 45

2 I, Arthur J. Burke, attest that concurrence in the filing of this document has been obtained
3 from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.
4 Executed on this 3rd day of December, 2008, at East Palo Alto, California.

5 /s/ Arthur J. Burke
6 Arthur J. Burke

7 **ORDER**

8 PURSUANT TO STIPULATION, IT IS SO ORDERED

9
10 DATED: December 9, 2008

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12 
13 JUDGE JAMES WARE